

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER MANAGEMENT PROGRAM

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM**

PERMIT PA0095443 AS ISSUED ON August 1, 2008

AMENDMENT NO. 1

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. (the "Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 et seq., the above referenced permit issued to:

Hart Resource Technologies, Inc.
P.O. Box 232
Creekside, PA 15732

for a facility located at:

Creekside Treatment Facility
Washington Township
Indiana County

is amended as follows:

The purpose of this amendment is to transfer the permit from Hart Resource Technologies, Inc. to:

Fluid Recovery Services, LLC
P.O. Box 232
Creekside, PA 15732

This is a change in ownership.

The remainder of the permit is in full force and effect.

DATE AMENDMENT ISSUED	<u>5/10/2013</u>	ISSUED BY	<u>/s/</u>
DATE EFFECTIVE	<u>5/10/2013</u>		Samuel C. Harper Clean Water Program Manager



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE REQUIREMENTS FOR INDUSTRIAL WASTEWATER FACILITIES**

NPDES PERMIT NO: PA 0095443

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

**Hart Resource Technologies, Inc.
P. O. Box 232
Creekside, PA 15732**

is authorized to discharge from a facility known as **Creekside Treatment Facility**, located at **Washington Township, Indiana County** to the **McKee Run** in Watershed **17E** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON August 1, 2008.

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON July 31, 2013.

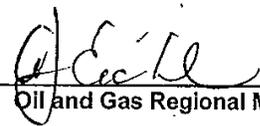
The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions, or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form.

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application.

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED: July 29, 2008

ISSUED BY 
Oil and Gas Regional Manager

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. For Outfall 401, Latitude 40° 40' 37.5", Longitude 79° 11' 10.4", River Mile Index 0.41, Stream Code 46785

which receives wastewater from fluids generated in the drilling and production of natural gas and oil wells.

- a. The permittee is authorized to discharge during the period from August 1, 2008 through July 31, 2013
- b. Based on the production data and anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)		Instantaneous Maximum ⁽²⁾	Minimum Measurement Frequency ⁽³⁾	Required Sample Type	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily				
Flow						Daily	Measured	
Iron (Total)			3.5 mg/L		7 mg/L	2/Month	8 hr composite	
Oil and Grease			15 mg/L		30 mg/L	2/Month	grab	
Total Suspended Solids			30 mg/L		60 mg/L	2/Month	8 hr composite	
Acidity				Monitor Only		2/Month	8 hr composite	
Alkalinity				Greater than Acidity		2/Month	8 hr composite	
pH				6 to 10.5 s. u.		2/Month	grab	
Barium			14.64 mg/L		29.28 mg/L	2/Month	8 hr composite	
Chlorides				Monitor Only		2/Month	8 hr composite	
Total Dissolved Solids				Monitor Only		2/Month	8 hr composite	
Osmotic Pressure			483 mOsm/kg		980 mOsm/kg	2/Month	8 hr composite	

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 401

PART A EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (Cont.)

Additional Requirements

- c. All discharges of floating materials, oil, grease, scum, sheen and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to levels which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) The Instantaneous Maximum Discharge Limitations are for compliance use by DEP only. Do not report instantaneous maximums on DMRs or supplemental DMRs unless specifically required on those forms to do so.
- (3) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Supplemental Information

- (1) The effluent limitations for this outfall were determined using an effluent discharge of 0.045 million gallons per day.

PART A: EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

i. For Outfall 501, Latitude 40° 40' 37.5", Longitude 79° 11' 10.4", River Mile Index 0.41, Stream Code 46785

which receives wastewater from fluids generated in the drilling and production of natural gas and oil wells.

- a. The permittee is authorized to discharge during the period from August 1, 2008 through July 31, 2013.
- b. Based on the production data and anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Discharge Parameter	Effluent Limitations				Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)		Minimum Measurement Frequency	Required Sample Type
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily		
Flow				0.018 mgd	Daily	Measured
Iron (Total)			3.5 mg/L		2/Month	8 hr composite
Oil and Grease			15 mg/L		2/Month	grab
Total Suspended Solids			30 mg/L		2/Month	8 hr composite
Acidity				Monitor Only	2/Month	8 hr composite
Alkalinity				Greater than Acidity	2/Month	8 hr composite
pH				6 to 10.5 s.u.	2/Month	grab
Barium			13.78 mg/L		2/Month	8 hr composite
Chlorides				Monitor Only	2/Month	8 hr composite
Total Dissolved Solids				Monitor Only	2/Month	8 hr composite
Osmotic Pressure			4128 mOsm/kg		2/Month	8 hr composite
				5879 mOsm/kg		

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 501

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS (Cont.)

Additional Requirements

- c. All discharges of floating materials, oil, grease, scum, sheen and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to levels which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) The Instantaneous Maximum Discharge Limitations are for compliance use by DEP only. Do not report instantaneous maximums on DMRs or supplemental DMRs unless specifically required on those forms to do so.
- (3) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Supplemental Information

- (1) The effluent limitations for this outfall were determined using an effluent discharge of 0.018 million gallons per day.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in this permit.

Average Monthly Discharge Limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Best Management Practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution to surface waters of the Commonwealth. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite.

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed.

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Discharge Monitoring Report ("DMR") means the form for the reporting of self-monitoring results by the permittee.

Estimated Flow means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.

Geometric Average means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 milliliters collected at a randomly selected time over a period not to exceed 15 minutes.

Hazardous Substance means any substance designated under 40 CFR 116 pursuant to Section 311 of the Clean Water Act.

Immersion Stabilization (I-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Industrial User or Indirect Discharger means an establishment that discharges or introduces industrial wastes into a Publicly Owned Treatment Works (POTW).

3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date, and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures

Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those approved under 40 CFR 136 (or in the case of sludge use or disposal, approved under 40 CFR 136, unless otherwise specified in 40 CFR 503), or alternate test procedures approved pursuant to those parts, unless other test procedures have been specified in this permit.

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA.
- b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR 136.

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit.
2. Unless instructed otherwise in PART C of this permit, a properly completed DMR must be received by the following address within 28 days after the end of each monthly report period:

Department of Environmental Protection
Pittsburgh Regional Office
Oil and Gas Program
400 Waterfront Drive
Pittsburgh, PA 15222

3. The completed DMR Form shall be signed and certified either by the following applicable person, as defined in 40 CFR 122.22(a), or by that person's duly authorized representative, as defined in 40 CFR 122.22(b):
 - For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
 - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form.

4. If the permittee monitors any pollutant, using analytical methods described in PART A III.A.4 herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR.

C. Reporting Requirements

1. Planned Changes - The permittee shall give notice to DEP as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b).
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this permit, nor to notification requirements under 40 CFR 122.42(a)(1).
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated Noncompliance

The permittee shall give advance notice to DEP of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Unanticipated Noncompliance or Potential Pollution Reporting

- a. The permittee shall report any noncompliance or incidents causing or threatening pollution pursuant to 25 Pa. Code § 91.33 to DEP by telephone immediately giving the location and nature of the danger and, if reasonably possible to do so, to notify known downstream users of the waters.
- b. The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove from the ground and from the affected waters to the extent required by the residual substances.
- c. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances pursuant to 40 CFR 122.41(l)(6). The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including the exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
- d. Information that must be reported under this paragraph includes, but is not limited to:
 - (1) Any unanticipated bypass that exceeds any effluent limitation in this permit.
 - (2) Any catastrophic event which causes the discharge to exceed any effluent limitation in this permit.
 - (3) Violation of a maximum daily discharge limitation for any of the pollutants listed in this permit.
- e. DEP may waive the written report on a case-by-case basis for reports under paragraph C.3.c of this section.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.3.a of this section, at the time DMRs are submitted. The reports shall contain the information listed in paragraph C.3.a of this section.

D. Specific Toxic Pollutant Notification Levels (for Manufacturing, Commercial, Mining, and Silvicultural Direct Dischargers) - The permittee shall notify DEP as soon as it knows or has reason to believe the following:

1. That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in this permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels."
 - a. One hundred micrograms per liter.
 - b. Two hundred micrograms per liter for acrolein and acrylonitrile.
 - c. Five hundred micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol.
 - d. One milligram per liter for antimony.
 - e. Five times the maximum concentration value reported for that pollutant in this permit application.
 - f. Any other notification level established by DEP.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels":
 - a. Five hundred micrograms per liter.
 - b. One milligram per liter for antimony.
 - c. Ten times the maximum concentration value reported for that pollutant in the permit application.
 - d. Any other notification level established by DEP.

PART B

I. MANAGEMENT REQUIREMENTS

A. Compliance Schedules

1. The permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit.
2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline.

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with 25 Pa. Code, Chapter 92.
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions.

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit.
3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information.

D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit.

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the reporting and notification requirements of 4.a. and b. below.
2. Other Bypassing – In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
 - a. A bypass is unavoidable to prevent loss of life, personal injury, or "severe property damage."
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
 - c. The permittee submitted the necessary reports required under 4.a. and b. below.
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2 above.
4. Notice
 - a. Anticipated Bypass – If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the bypass.
 - b. Unanticipated Bypass – The permittee shall submit notice of an unanticipated bypass as required in PART A.III.C.3. (Unanticipated Noncompliance or Potential Pollution Reporting).

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative, and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality who violates any provision of this permit; any rule, regulation, or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603, and 605 of the Clean Streams Law.

B. Falsifying Information

The Clean Water Act provides that any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance),

shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 P.S. § 4904 and 40 CFR 122.41(j)(5) and (k) (2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603, or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

III. OTHER RESPONSIBILITIES

A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, 25 Pa. Code, Chapter 92 and 40 CFR 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law;

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location.

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b of this section;
 - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. If DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b of this section.

3. In the event DEP does not approve transfer of this permit, the new owner or controller must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

Source reduction evaluation.

2. The permittee has the option of providing all or some of the following site-specific data as part of Phase I for the use in verifying and refining the WQBEL:

- Discharge hardness.
- Discharge pollutant concentration and variability.
- Design discharge flow.
- Discharge mixing characteristics.
- Pollutant fate characteristics.
- Stream width, depth and slope.
- Stream velocity.
- Ambient stream data for pollutants, pH, temperature.
- Instream hardness.
- Water intake quality and quantity.
- Treatment plant influent pollutant concentrations.
- Chemical translators.
- Water Effects Ratio (WER).

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The permittee should contact DEP for guidance in determining which of the above data will have a significant impact on the WQBEL and also for protocols on collecting and submitting the data. DEP will determine the adequacy of any site-specific data submitted and advise the permittee accordingly. If initial review of the submitted data suggests that additional data collection is necessary, DEP will so advise the permittee. DEP will notify the permittee of what effect, if any, the data will have on the WQBEL using the procedure outlined in A.2. above. Refer to APPENDIX F for a list of Water-Effect Ratio (WER) and Metals Translator Guidance Documents.

3. Site-Specific Criteria

The permittee may request an opportunity to demonstrate alternative, site-specific criteria for any pollutants with WQBEL. The procedures for carrying out such demonstrations must receive written approval in advance by DEP and must be in accordance with the requirements of Section 93.8 of DEP's Rules and Regulations.

If the permittee chooses this option, requests for alternative, site-specific criteria must be submitted to DEP as part of the Phase I TRE report. Where the demonstration results in more stringent limitations than those previously established by DEP, the more stringent limitation will apply. Any less stringent limitations, which are approved by DEP, shall not violate any other applicable water criteria.

4. Alternative Site-Specific MDL

In some cases, the WQBEL may be less than the MDL in Title 25 Pa. Code Chapter 16. In this event, the permittee has the option to demonstrate alternative, facility-specific MDL to account for analytical matrix interference associated with the wastewater in question. The procedures for determining the MDL published as Appendix B in 40 CFR Part 136 must be followed and complete documentation provided. The request for approval of alternative facility-specific MDL including all documentation required to support such a request must be submitted to DEP with the Phase I TRE report. DEP may grant a facility-specific MDL by including the numeric alternate MDL value for compliance purposes through the permit modification or renewal process.

D. Phase II TRE Requirements

PART C

I. OTHER REQUIREMENTS

The permittee must conduct a Toxics Reduction Evaluation (TRE) for **Barium**.

A. Water Quality-Based Effluent Limitations (WQBEL)

1. Based on the discharge and stream data currently available to DEP, the WQBEL are necessary to protect the receiving stream uses designated in DEP's Rules and Regulations.

2. Within 60 days of the permit effective date (PED), the permittee must submit notification to DEP verifying the start date of the TRE. During the period following permit issuance and prior to the WQBEL becoming final, the permittee agrees to conduct site-specific discharge and/or stream data collection and provide DEP with data to verify or refine the WQBEL in accordance with the schedule in Section B.2., herein. If warranted, modified WQBEL will be established through a permit amendment. Any such permit shall be considered a formal permitting action of DEP subject to applicable permit modification procedures.

If the permittee conducts TRE actions within the schedule in Section B.2. of this condition of the permit, herein, DEP will issue a written decision by letter or permit amendment. The permittee will have 30 days from the date of receipt of such written DEP letter or decision to file an appeal of the final WQBEL.

3. The permittee must conduct a TRE as outlined below. Phase I of the TRE has both required and optional components.

B. TRE Submission Requirements

1. The TRE shall be developed to:

- a. Confirm and quantify the presence of **Barium** in the discharge with the WQBEL.
- b. Verify or refine the modeling data and/or assumptions used to develop the WQBEL.

2. A copy of APPENDIX C - "Permittee Guidance for Conducting a Toxics Reduction Evaluation (TRE)" is enclosed for your use. The TRE and associated reports shall be completed and submitted in accordance with the following schedule:

Action Date

- a. Submit notification specified within 60 days of PED in A.2. above
- b. Submit work plan for within 90 days of PED conducting Phase I
- c. Start Phase I within 120 days of PED
- d. Submit complete Phase I within 18 months of PED report (3 copies)
- e. Start Phase II within 30 days of notice from DEP to proceed with Phase II
- f. Submit complete Phase II report within 180 days of notice to proceed with Phase II
- g. Progress reports every 3 months starting 120 days after PED

C. Phase I TRE Requirements

1. The permittee is required to submit the Phase I report of the TRE consisting of the following components:

Influent and effluent quality review.

Source inventory and evaluation.

Source reduction evaluation.

2. The permittee has the option of providing all or some of the following site-specific data as part of Phase I for the use in verifying and refining the WQBEL:

- Discharge hardness.
- Discharge pollutant concentration and variability.
- Design discharge flow.
- Discharge mixing characteristics.
- Pollutant fate characteristics.
- Stream width, depth and slope.
- Stream velocity.
- Ambient stream data for pollutants, pH, temperature.
- Instream hardness.
- Water intake quality and quantity.
- Treatment plant influent pollutant concentrations.
- Chemical translators.
- Water Effects Ratio (WER).

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The permittee should contact DEP for guidance in determining which of the above data will have a significant impact on the WQBEL and also for protocols on collecting and submitting the data. DEP will determine the adequacy of any site-specific data submitted and advise the permittee accordingly. If initial review of the submitted data suggests that additional data collection is necessary, DEP will so advise the permittee. DEP will notify the permittee of what effect, if any, the data will have on the WQBEL using the procedure outlined in A.2. above. Refer to APPENDIX F for a list of Water-Effect Ratio (WER) and Metals Translator Guidance Documents.

3. Site-Specific Criteria

The permittee may request an opportunity to demonstrate alternative, site-specific criteria for any pollutants with WQBEL. The procedures for carrying out such demonstrations must receive written approval in advance by DEP and must be in accordance with the requirements of Section 93.8 of DEP's Rules and Regulations.

If the permittee chooses this option, requests for alternative, site-specific criteria must be submitted to DEP as part of the Phase I TRE report. Where the demonstration results in more stringent limitations than those previously established by DEP, the more stringent limitation will apply. Any less stringent limitations, which are approved by DEP, shall not violate any other applicable water criteria.

4. Alternative Site-Specific MDL

In some cases, the WQBEL may be less than the MDL in Title 25 Pa. Code Chapter 16. In this event, the permittee has the option to demonstrate alternative, facility-specific MDL to account for analytical matrix interference associated with the wastewater in question. The procedures for determining the MDL published as Appendix B in 40 CFR Part 136 must be followed and complete documentation provided. The request for approval of alternative facility-specific MDL including all documentation required to support such a request must be submitted to DEP with the Phase I TRE report. DEP may grant a facility-specific MDL by including the numeric alternate MDL value for compliance purposes through the permit modification or renewal process.

D. Phase II TRE Requirements

The permittee should not proceed with Phase II until notified by DEP to do so. Depending on the results of Phase I, WQBEL may need to be modified or Phase II may not be necessary.

1. Source Reduction Evaluation

In addition to those items in C.1. above, as part of Phase II, the permittee must conduct source reduction evaluations including recycle, reuse and process/chemical substitution. The intent of this portion of the TRE is to investigate and implement all low-cost, nonstructured alternatives to reduce pollutants.

2. Final WQBEL Compliance Strategies and Schedule

A complete TRE report must consist of identification and assessment of all available pollution control options (BMP and/or treatment technologies and other structural alternatives) and their ability to comply with the final WQBEL or other WQBEL identified in response to Phase I. The permittee must select a specific pollution control option that will achieve the applicable WQBEL and specify a schedule for the implementation of this option.

3. 25 Pa. Code § 95.4 Time Extension Requests

In some cases, the final WQBEL may not be technologically achievable using any combination of control options. In this event, the permittee has the option of requesting an extension of time to achieve the WQBEL, provided the permittee demonstrates eligibility for time extension under the requirements contained in 25 Pa. Code § 95.4. If the permittee elects to submit the 25 Pa. Code § 95.4 time extension request, the request must be submitted with Phase II of the TRE report using APPENDIX D Guidance for obtaining 25 Pa. Code § 95.4 Extension of Time to Achieve WQBEL.